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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/061,833 04/16/98 BOSSEMEYER

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TM02/0124

LAW OFFICE OF DALE B. HALLING  
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COLORADO SPRING CO 80903

EXAMINER

ESCALANTE, J

ART UNIT

PAPER NUMBER

2645

DATE MAILED:

01/24/01

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

GM

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/061,833	BOSSEMEYER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ovidio Escalante	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12/04/00.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4,6-10,22,23 and 25-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4,6-10,22,23 and 25-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

15) Notice of References Cited (PTO-892)      18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)      19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .      20) Other: \_\_\_\_\_

## DETAILED ACTION

1. This action is in response to applicant's amendment filed on December 04, 2000. **Claims 1-4, 6-10 and 22, 23 and 25-30** are now pending in the present application. **This action is made FINAL.**

### *Claim Rejections - 35 USC § 103*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-4,6-10, 22,23,25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry et al. U.S. Patent 5,768,356 (hereinafter McKendry) in view of Baldwin et al. U.S. Patent 6,104,909 (hereinafter Baldwin).

*Regarding claim 1*, McKendry discloses of a home gateway system comprising: a voice processing system (131 – answering machine), the voice processing system capable of storing a message from an incoming call (see figures 1 and 3). It is obvious that the answering machine is able to store a message; a conference call bridge (figure 4, column 25 lines 16-18) (Note, if the system allows for conference calls it must have a conference call bridge); a caller identification processing system (330), the caller identification processing system determining a telephone number of the incoming call and routing the incoming call to the voice processing system if the telephone number belongs to a screened group of telephone numbers (column 6 lines 57-65, column 29 lines 35-47).

McKendry further discloses of said voice processing system and caller identification processing system being coupled to a landline connection. See Figure 1. The user's premises

(101) is connected by service entrance (191) to the PSTN. McKendry fails to disclose of a transceiver coupled to the voice processing system and to the caller identification processing system. McKendry also fails to teach of establishing a wireless local loop connection to a non-mobile base station.

Baldwin teaches of a transceiver (19) attached to a building, capable of establishing a wireless local loop point to point link to a geographically separated, non-mobile base station (22) which is connected to the PSTN (24). See Figure 1. The system of Baldwin further has a transceiver (210) which is coupled to a processor (208) which sends caller identification information to the caller ID module (222) (Figure 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the home gateway system of McKendry by establishing a fixed wireless local loop connection, as taught by Baldwin, so that the connection between the users home and PSTN can be less expensive since wireless connection cost less than landline connections.

***Regarding claim 6***, McKendry discloses of a controller capable of redirecting the incoming call to a predetermined forwarded telephone number. See col. 7 lines 64-67. As stated above, it would have been obvious to connect the controller to a transceiver to establish a wireless local loop connection.

***Regarding claim 8***, the system includes a router coupled to a transceiver. The system of McKendry routes calls from a landline-based system. McKendry discloses of routers that are used in the prior art (col. 3 line 61 – col. 4 line 3). The PCAM routes call to various locations in

the user's premise. It would have been obvious that the router is coupled to a transceiver if the system establishes a wireless local loop connection.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Baldwin and further in view of Shen U.S. Patent 5,812,649.

*Regarding claim 2*, McKendry and Baldwin, as applied above, do not expressly disclose of a processor determining if the incoming call is received during an existing call and posting an indicia of the incoming call to a user when the incoming call is received during the existing call. Shen discloses of posting a caller name on a display when the user is on the line wherein see the abstract and col. 2 lines 26-39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry and Baldwin by having Caller Identification on Call Waiting (SCWID) as taught by Shen so that the user can see who is calling when the line is in use.

*Regarding claims 3 and 4*, McKendry discloses of the voice processing system including a controller for detecting the incoming call and directing the system to play a plurality of options to a caller (column 5 lines 16-20). If the system is able to play a plurality of option to the caller it must have a speech synthesizer. The caller can have the option of routing the call to any of the local extensions on the user's premise.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Baldwin and further in view of Farris, as used in the Second Office Action.

**Regarding claim 7**, McKendry and Baldwin as applied above fail to teach of using a smart card. Farris teaches of using a smart card in a home system that is connected by means of a fixed wireless local loop connection. See col. 19 lines 30-45. The Examiner also notes that the use of smart cards was well known at the time the invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry and Baldwin by using a smart card as taught by Farris so that so that a users personal information can be stored on the card which updates the home gateway system's preferences.

6. Claims 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Baldwin and further in view of Sizer, II et al. U.S. Patent 6,021,324 (hereinafter Sizer).

**Regarding claims 9 and 10**, McKendry and Baldwin, as applied above, do not expressly teach of a security system and a television processing system coupled to the router. Sizer teaches of a system and apparatus for controlling appliances situated within a premise. The system has a television processing system (col. 4 lines 44-58) and a home security system. See col. 1, lines 52-56 and figure 1. The system of Sizer allows a user to control various appliances in the house from a remote location using voice recognition. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry and Baldwin by having a television processing system and a home security system so that the caller ID information can be displayed on the television and the user can remotely control various appliances around the house which includes a home security system.

7. Claims 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sizer in view of McKendry.

*Regarding claim 22*, Sizer discloses of a home gateway system comprising:

a switch (80) connected to an external telephony channel (from LEC 24) and an internal telephony channel (to wireless base station 28 or telephone 14);

a processor (32-microprocessor) connected to the switch, the processor sending and receiving messages from the switch (80), see col. 9 lines 10-22;

a caller identification system (50) receiving an identify query from the processor. See col. 4 lines 59-67.

Sizer does not expressly teach of a conference call bridge but it would have been obvious that the system has said bridge since the feature was well known at the time the invention was made. Nonetheless, McKendry teaches of a conference call bridge (col. 25 lines 16-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the home gateway system of Sizer by having a voice conference bridge so that the user can engage in three way calling.

*Regarding claim 23*, Sizer discloses of the home system further including a voice processing system (11) coupled to the processor, the voice processing system capable of storing a voice message. See col. 1 lines 18-37. Premises recording unit (11) has a processor (32).

*Regarding claim 25*, Sizer does not specifically teach of a router. McKendry discloses of a router coupled to the switch. See col. 3 line 61 – col. 4 line 3. It would have been obvious to

one of ordinary skill in the art at the time the invention was made to use router in such systems so the system can route calls to the correct location.

8. Claims 26 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sizer in view of McKendry and further in view of Farris.

*Regarding claim 26*, Sizer does not expressly disclose of a smart card interface connected to the processor. Farris teaches of a smart card interface connected to the processor, (see col. 19 lines 30-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sizer and McKendry by using a smart card as disclosed by Farris so that a users personal information can be stored on the card which updates the home gateway system's preferences.

*Regarding claims 27 and 28*, Sizer teaches of a system and apparatus for controlling appliances situated within a premise. The system has a television processing system 100 and a home security system. See col. 1, lines 52-56, figure 1 and col. 4 lines 44-58.

*Regarding claim 29*, Sizer does not teach of the home gateway system including a wireless local loop transceiver connected to the external telephony channel. Farris discloses of a fixed wireless local loop transceiver connected to the external telephony channel. See Fig 2 and the background of the Invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the home system of Sizer by establishing a wireless local loop connection as taught by Farris so that the connection between the users home and PSTN can be less expensive since wireless connection cost less than landline connections.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sizer in view of McKendry and further in view of Baldwin and further in view of Farris.

*Regarding claim 30*, Sizer discloses of a home gateway system comprising:

a switch (80);

a processor (microprocessor – 32) connected to the switch receiving a query from the switch and sending a response to the switch (see col. 9 lines 10-22);

a caller identification system (50) connected to the processor (32), the caller identification system coupled to a display (44), (see col. 4 lines 59-67);

a home automation and security system, capable of sending and receiving a message through the telephony network (column 1 lines 52-56); and a television processing system (12) connected to the router and receiving a television signal, the television processing system capable of sending an information to a television. . Figure 1, col. 4 lines 43-58

Sizer does not expressly teach of the well-known feature of a conference call bridge being connected to the switch. McKendry teaches of conference calling (figure 4, column 25 lines 16-18). It would have been obvious to allow the system of Sizer to use conference calls since it is a common feature in telephony.

Sizer and McKendry fail to teach of a wireless transceiver attached to a home, capable of establishing a wireless local loop point to point link with a geographically separated non-mobile base station. Baldwin teaches of establishing the wireless local loop connection (figures 1 and 2). It would have been obvious to allow for the home gateway system of Sizer and McKendry to

be established with a wireless local loop connection as taught by Baldwin so that the connection to the PSTN can be less expensive.

Sizer, McKendry and Baldwin fail to teach of using a smart card. Farris discloses of a wireless connection (see figure 2) to a device wherein the device has smart card. See col. 19 lines 30-45.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sizer by allowing the user to establish a conference call as taught by McKendry so that the user can have three-way calling. It would have also been obvious to further modify the system of Sizer and McKendry by establishing a wireless local loop connection as taught by Baldwin so that a less expensive for of communication can be established between the users home and the PSTN. Finally it would have been obvious to further modify the system of Sizer, McKendry and Baldwin by using a smart card in the home gateway system as taught by Farris so that the user can have there user preferences uploaded to the home gateway system if they want to change the current settings if it is not set to there preferences.

#### *Response to Arguments*

10. Applicant's arguments with respect to claims 1-4,6-10, 22,23,25-30 has been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6306 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 7:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 308-6306 or (703) 308-6296.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Ovidio Escalante  
Examiner  
Group 2645  
January 19, 2001

FAN TSANG  
EXERCISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

